

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

In Re: TIMOTHY DANIEL

**CHAPTER 13
NO. 15-11654 JDW**

NOTICE

TO THE TRUSTEES AND ALL CREDITORS AND PARTIES-IN-INTEREST:

YOU ARE HEREBY NOTIFIED that the Debtor in the above styled and numbered cause, has through the undersigned counsel, filed with this Court a Motion to Modify the Chapter 13 Plan requesting that her plan be modified as set out in said Motion.

Any response or objection to said Motion must be filed via ECF if you are registered with the Electronic Case Filing system, or in the alternative by mail to the United States Bankruptcy Court, 703 Hwy 145 North, Aberdeen, MS 39730 no later than 21 days from the date of this Notice. If any response or objection is served by mail, it shall be served upon Robert Gambrell, Attorney for the Debtor at the address shown below.

In the absence of responses, the Court will rule on the Motion, *ex parte*. Said Motion is also on file with the United States Bankruptcy Court and is available for review by creditors, and a copy of said Motion is being served upon all parties simultaneously herewith.

SO NOTICED, this the 21st day of February, 2018.

/s/ Robert Gambrell
ROBERT GAMBRELL; Attorney for
Debtor; MSB #4409
GAMBRELL & ASSOCIATES, PLLC
101 Ricky D. Britt Blvd., Ste. 3
Oxford, MS 38655
Ph: (662)281-8800 / Fax: (662)202-1004
rg@ms-bankruptcy.com

CERTIFICATE OF SERVICE

I, ROBERT GAMBRELL, Attorney for the above listed Debtor, do hereby certify that the following have been served electronically via ECF with a copy of the above Notice to:

David W. Asbach, Acting U. S. Trustee
Locke D. Barkley, Chapter 13 Trustee
all parties that have entered an appearance requesting service via ECF

I further certify that the Motion has been served upon all parties that have entered an appearance requesting service via ECF, and that I have this day mailed, postage prepaid, a true and correct copy of the above and foregoing Notice to all creditors and parties-in-interest as reflected on the master address list (matrix) on file in this case (copy attached to the Notice).

SO CERTIFIED, this the 21st day of February, 2018.

s/ Robert Gambrell
ROBERT GAMBRELL

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

In Re: TIMOTHY DANIEL

**CHAPTER 13
NO. 15-11654 JDW**

MOTION TO MODIFY THE CHAPTER 13 PLAN

COMES NOW, Debtor, TIMOTHY DANIEL, in the above styled and numbered cause, by and through undersigned counsel and files this his Motion to Modify the Chapter 13 Plan respectfully showing unto the Court as follows:

1. This Court has jurisdiction over the parties and subject matter pursuant to 28 U.S.C. § 1334, and this is a core proceeding pursuant to 28 U.S.C. § 157.
2. The Debtor filed a petition for relief under Chapter 13 of the Bankruptcy Code in the Northern District of Mississippi on May 7, 2015, in the above styled and numbered proceeding.
3. The Debtor's Chapter 13 Plan was confirmed on September 30, 2015 (Dkt. #31).
4. The Debtor has decided to surrender his 2004 Chevy Trailblazer to Tower Loan of Mississippi, LLC in order for his plan to be feasible.
5. The Debtor proposes to modify his Chapter 13 Plan and submit that the provisions that are to be modified are set forth as follows:
 - a The provision to pay Tower Loan of Mississippi, LLC for the 2004 Chevy Trailblazer in the Non-Mortgage Secured Claims section of the plan shall be deleted.

- b. The Tower Loan of Mississippi, LLC claim shall be added to the Special Claimants section of the plan with a proposal to surrender collateral and treat any deficiency claim as a general unsecured claim.
- c. The plan payment shall be reduced to the amount needed to fund the modified plan, as calculated by the Chapter 13 Trustee.

6. The Chapter 13 Trustee should be granted the authority to make the necessary adjustments to the plan payment and wage order to comply with the terms of the modified plan if the plan cannot be extended for enough months to keep the payment the same.

7. Should no parties file a response or objection to this Motion to Modify Chapter 13 Plan within 21 days of the filing of this Motion, the Court will rule on the Motion, ex parte. Service of the response and objection shall be completed as set forth in the Notice of this Motion filed simultaneously herewith.

WHEREFORE, Debtor prays that this Court will enter its Order modifying the Chapter 13 Plan which was confirmed on September 30, 2015 (Dkt. #31) and modified by Order of this Court (Dkt. #70) on September 5, 2017, consistent with the provisions set forth above. Debtor prays for such other, further and general relief to which he may be entitled.

Respectfully submitted,
TIMOTHY DANIEL , Debtor

BY: /s/ Robert Gambrell
ROBERT GAMBRELL; Attorney for
Debtor; MSB #4409
GAMBRELL & ASSOCIATES, PLLC
101 Ricky D. Britt Blvd., Ste. 3
Oxford, MS 38655
Ph: (662)281-8800 / Fax: (662)202-1004
rg@ms-bankruptcy.com

CERTIFICATE OF SERVICE

I, ROBERT GAMBRELL, Attorney for the above listed Debtor, do hereby certify that the following have been served with a true and correct copy of the above Motion to Modify the Chapter 13 Plan to:

David W. Asbach, Acting U. S. Trustee
Locke D. Barkley, Chapter 13 Trustee
all parties that have entered an appearance requesting service via ECF

I further certify that the Motion has been served upon all parties that have entered an appearance requesting service via ECF, and that I have this day mailed, postage prepaid, a true and correct copy of the above and foregoing Notice to all creditors and parties-in-interest as reflected on the master address list (matrix) on file in this case (copy attached hereto).

This the 21st day of February, 2018.

/s/ Robert Gambrell
ROBERT GAMBRELL

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

In Re: TIMOTHY DANIEL

**CHAPTER 13
NO. 15-11654 JDW**

ORDER

THIS CAUSE having come before the Court for consideration of the Motion to Modify the Chapter 13 Plan filed by the Debtor and no responses having been filed after notice to all creditors and parties in interest, and the Court having considered the Motion is of the opinion that the Motion should be granted.

IT IS THEREFORE ORDERED AND ADJUDGED that the Motion to Modify the Chapter 13 Plan confirmed on September 30, 2015 (Dkt. #31) and modified by Order of this Court (Dkt. #70) on September 5, 2017, is hereby approved and the provisions of said confirmed Chapter 13 Plan are modified to be consistent with the modified provisions in said Motion, as set out below.

- a. The provision to pay Tower Loan of Mississippi, LLC for the 2004 Chevy Trailblazer in the Non-Mortgage Secured Claims section of the plan is hereby deleted.
- b. Tower Loan of Mississippi, LLC claim is hereby added to the Special Claimants section of the plan with a proposal to surrender collateral and treat any deficiency claim as a general unsecured claim.
- c. The plan payment shall be reduced to the amount needed to fund the modified plan, as calculated by the Chapter 13 Trustee.

IT IS FURTHER ORDERED AND ADJUDGED that the Chapter 13 Trustee is hereby given the authority to make the changes necessary insure completion of the modified plan if the plan cannot be extended long enough to keep the plan payment the same.

****END OF ORDER****

Submitted by:

/s/ Robert Gambrell

Robert Gambrell, Atty for Debtor, MS Bar #4409
GAMBRELL & ASSOCIATES, PLLC
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Ph: (662)281-8800 / Fax: (662)202-1004
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Label Matrix for local noticing
0537-1

Case 15-11654-JDW

Northern District of Mississippi
Aberdeen

Thu Feb 8 14:09:30 CST 2018

BAPTIST DESOTO EMERGENCY DEPARTMENT
Revenue Recovery Corporation
PO Box 50250
Knoxville, TN 37950-0250

Alana R. Daniel
645 Watson Drive
Senatobia, MS 38668-3539

(p)BANK OF AMERICA
PO BOX 982238
EL PASO TX 79998-2238

Amy & Alan Wilburn
1587 W. Main Street
Senatobia, MS 38668-2653

BankPlus
Attn:Tom Hudson, General Counsel
1068 Highland Colony Pkwy
Ridgeland, MS 39157-8807

CACH, LLC
PO Box 10587
Greenville, SC 29603-0587

Capital One Bank
6125 Lakeview Rd. Ste 800
Charlotte, NC 28269-2605

Commonwealth Financial Systems
245 Main St.
Scranton, PA 18519-1641

Consolidated Recovery Systems
P.O. Box 1719
Memphis, TN 38101-1719

Credit Acceptance
25505 West Twelve Mile Rd
Suite 3000
Southfield MI 48034-8331

Credit Acceptance Corp
25505 West 12 Mile Rd.
Southfield, MI 48034-8316

Credit Business Services
P.O. Box 4127
Fort Walton Beach, FL 32549-4127

Credit Collection Services
P.O. Box 9134
Needham Heights, MA 02494-9134

DHS - Desoto County
Child Support Enforcement
P O Box 620
Hernando, MS 38632-0620

DHS - Tate County
P.O. Box 280
Senatobia, MS 38668-0280

DUCKWORTH PATHOLOGY GROUP
C/O CONSOLIDATED RECOVERY SYSTEMS
2650 THOUSAND OAKS BLVD STE 4200
MEMPHIS, TN 38118-2451

Entergy Mississippi, Inc.
L JEF 359
4809 Jefferson Hwy
New Orleans, LA 70121-3122

Fast Cash
1073 Goodman Road West
Horn Lake, MS 38637-1440

Fidelity National Loans
109 Van Dom Avenue
Holly Springs, MS 38635-3005

First Premier Bank
P.O. Box 5524
Sioux Falls, SD 57117-5524

Healthcare Financial Services, LLC
P.O. Box 320309
Jackson, MS 39232-0309

Jake Green Car Lot
5587 Highway 305
Coldwater, MS 38618-5852

Jenny Phillips
527 Wallhill Road
Coldwater, MS 38618-5745

Kay Jewelers
P.O. Box 740425
Cincinnati, OH 45274-0425

MDHS - CSE
Attn: Bankruptcy Reporting Contact
P.O. Box 352
Jackson, MS 39205-0352

METHODIST LEBONHEUR HEALTHCARE
C/O CONSOLIDATED RECOVERY SYSTEMS
2650 THOUSAND OAKS BLVD STE 4200
MEMPHIS, TN 38118-2451

Mark McDonald
527 Wallhill Road
Coldwater, MS 38618-5745

Medical Financial Services
P.O. Box 1000, Dept. 3
Memphis, TN 38148-0001

Medical Financial Services
6555 Quince Rd., Suite 301
Memphis, TN 38119-8220

PCM P.O. Box 4037 Jonesboro, AR 72403-4037	Professional Credit 500 Washington Jonesboro, AR 72401	Regions Bank P.O. Box 10063 Birmingham, AL 35202-0063
Revenue Recovery Corp P O Box 50250 Knoxville, TN 37950-0250	Royal Furniture 128 S. Main Memphis, TN 38103-3616	Royal Furniture Company P.O. Box 3784 Memphis, Tennessee 38173-0784
Smith Rouchon & Associates 1456 Ellis Ave. Jackson, MS 39204-2204	Third Union Finance, Inc. P.O. Box 306 Senatobia, MS 38668-0306	Tower Loan of Mississippi, LLC P.O. Box 320001 Flowood, MS 39232-0001
Tulane Park Apartments 7100 Tulane Road Horn Lake, MS 38637-1481	Verizon Wireles 500 Technology Dr # 550 Saint Charles, MO 63304-2225	

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Bank of America NC4-105-03-14 4161 Peidmont Parkway Greensboro, NC 27410	End of Label Matrix Mailable recipients 43 Bypassed recipients 0 Total 43
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